

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEON TAYLOR #161123,

Plaintiff,

v

DAVID KIMMEL,

Defendant.

NO. 1:17-cv-1084

HON. JANET T. NEFF

MAG. ELLEN S. CARMODY

Leon Taylor #161123
In Pro Per
Macomb Correctional Facility
34625 26 Mile Road
New Haven, MI 48048

Kristen D. Simmons (P76293)
Assistant Attorney General
Attorney for MDOC Defendant Kimmel
State Operations Division
P.O. Box 30754
Lansing, MI 48909
(517) 373-1162

**MDOC DEFENDANT DAVID KIMMEL'S
MOTION FOR SUMMARY JUDGMENT**

Defendant David Kimmel, by counsel, brings this motion under Fed. R. Civ. P. 56(a), and asks the Court to enter an order granting summary judgment and dismissing Plaintiff Leon Taylor's complaint based on the grounds set forth in his accompanying brief.

Counsel for Defendant Kimmel sought concurrence to filing a motion for summary judgment on July 5, 2018 and concurrence was not granted.

Respectfully submitted,

Bill Schuette
Attorney General

s/ Kristen D. Simmons
KRISTEN D. SIMMONS (P76293)
Assistant Attorney General
State Operations Division
P.O. Box 30754
Lansing, MI 48909
simmonsk5@michigan.gov
(517) 373-6434
P76293

Date: October 2, 2018

CERTIFICATE OF SERVICE

I certify that on October 2, 2018, I electronically filed **DEFENDANT DAVID KIMMEL'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the ECF system and I certify that my secretary, Tamara Schueller, has mailed by U.S. Postal Service the papers to the following non-ECF participant(s):

Leon Taylor #161123
Macomb Correctional Facility
34625 26 Mile Road
New Haven, MI 48048

s/ Kristen D. Simmons
KRISTEN D. SIMMONS (P76293)
Assistant Attorney General
State Operations Division
P.O. Box 30754
Lansing, MI 48909
simmonsk5@michigan.gov
(517) 373-1162
P76293